

Beijing Children's Legal Aid and Research Center

Organization in Special Consultative Status with the Economic and Social Council since 2011

Submission on Child Protection in China

March 2018

1. In this report, Beijing Children's Legal Aid and Research Center ("BCLARC") aims to present an overview of child protection issues in China over the last four years, including our findings, the actual progress and challenges and our recommendations.

2. In the last four years, legislation on child rights has made new progress in the areas of child guardships. The most obvious achievements are the adoptions of the Advice for Dealing with the Problems Concerning the Infringement of Guardians upon Minors' Rights and Interests in 2014 and General Provisions of the Civil Law of PRC in 2017. The new laws clearly refine the revocation of the guardianship system and strengthen the guardianship responsibilities for minors, which is of historic significance for minors' rights protection.

3. In the last four years, China has adopted legislations on child abuse and violence. In the past, the laws mainly dealt with child abuse among family members, while teachers and other personnel did not meet the conditions of the abuse of children. However, in recent years, cases of child abuse by teachers or other groups have caused wide public concern. In response to this issue, the Amendment IX of the Criminal Law in 2015

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expands the scope of abusive subjects which includes persons or entities have the responsibility of guardianship or nursing care. If they abuse a child, they will be criminalized and punished, thus providing a legal basis for handling child abuse outside the home. Meanwhile, the Anti-Domestic Violence Law passed in 2016 provides special protection for children suffered domestic violence and it clearly prohibits all forms of violence against children.

4. in the last four years, China has also adopted special legislations to address the problem of child sexual abuse. In the past, China lacked protection on boys suffered sexual abuse. The Amendment IX of the Criminal Law in 2015 broke the victim's gender restrictions, thus boy victims will be protected by law. The Amendment IX of the Criminal Law in 2015 also abolishes the crime of whoring girls, and such acts will be treated as rape and have more severe punishment.

5. In the past four years, China has made remarkable progress on anti-trafficking of children. In May 2016, the Ministry of Public Security created an emergency release platform on information of disappeared children. Through timely dissemination of information of disappeared children, the public are encouraged to provide clues on the missing children and assist public security authorities in cracking down trafficking cases. As of 31 December 2016, the platform released a total of 648

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missing children's information, among which 611 missing children have been found. Meanwhile, The Amendment IX of the Criminal Law in 2015 also clearly states that purchase of children will be criminalized and punished, which is not the case before unless severe results have happened.

6. China has made remarkable achievements in child welfare. In February 2016, the State Council issued a special policy on left-behind children. The new policy strengthened the responsibilities of family, government, village (neighborhood) committees, education departments, schools and NGOs in the protection of left-behind children. In June 2016, the State Council released a special policy and proposed a total of 690,000 child welfare supervisors or commissioners in the country's village (neighborhood) committees to provide education, medical care, rehabilitation, social services to protect children in poverty or those lack of guardianship. The promulgation of the above policies is of great significance in improving China's child welfare system.

7. There has been notable progress in the establishment of specialized governmental institutions on child protection. In 2016, the Ministry of Civil Affairs formally established the Minors (Left-behind Children) Protection Office to take charge of the work on child protection. In December 2015, the Supreme People's Procuratorate set up an office of

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procuratorial work for minors, which is conducive to the specialization of juvenile judicial protection.

8. The government pays more attention on the role of child protection NGOs. Taking the BCLARC as an example, with the support of government, since its establishment in 1999, BCLARC has provided legal advisory services to more than 50,000 people and handled more than 500 complicated child-related cases. Entrusted by government departments such as Ministry of Education, BCLARC have conducted research on issues such as sexual assault, violence in school, domestic violence, juvenile justice system, etc. Many research findings have been reflected in the future legislation and policies.

9. Despite of the progresses, as a country with more than 340 billion children, child protection in China is still facing big challenges.

10. According to the 39th Statistical Report on Internet Development in China released on 23 January 2017, as of December 2016, the number of young Internet users in China (under 19 years of age) has reached 170 million. However, at present, the network supervision in our country still lack of effective regulatory measures. During the Fourth World Internet Conference, there was the special forum "guarding the future: the protection of minors network" to discuss the issue of juvenile online protection, which has achieved positive results. We hope in the future

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the network protection for minors will be strengthened and child will have a safe online environment online.

11. Currently, there are only a few specialized professionals and social organizations engaged in child rights protection. Most of people engaged in child protection also face the problem of lacking professional background in social work, child psychology, education or law. Thus it is difficult to guarantee the professionalism and quality of services, and the needs of child cannot be met. It is of great importance for the capacity building of professionals engaged. The government should have more budget on outsourcing services so as to encouraging development of social organizations for child protection.